THE

WEEKLY ENTERTAINER.

For MONDAY, January 2, 1809.

Singular Instance of the Sagacity of a Ewe.

To the EDITOR,

SIR,

I Have long been in possession of an anecdote of one of the brute creation, which I send to you, not so much for the amusement of your readers, as that Mr. Bingley may, if he thinks it worthy, insert it in the next edition of his Animal Biography; it is strictly true, and would have appeared before, had it been less extraordinary; for nothing but diffidence has hindered me from sending it; but recollecting that truth needs not to be ashamed, it is brought before the public, and is as follows:—

Walking with a lady through some meadows between two villages, of the names of Upper and Lower Slaughter, in the county of Gloucester, the path lay within about one hundred yards of a small brook. Many ewes and lambs were in the meadow; we were about half way over it when a ewe came up to us, and bleated very loudly, looking up in my face; and then ran off towards the brook. I could not help remarking this extraordinary behaviour, but my attention was particularly roused when she repeated it; and, bleating louder, seemed to wish to signify something in particular; she then ran off as before in the same direction, repeatedly looking behind her 'till she reached the brook, where she stood still.

After standing to look at her some time, we continued our walk, and had nearly reached the gate that led into the next meadow, when she came running after us the third time, and seemed yet more earnest, if possible, than before. I then determined to endeavour to discover the motive for such singular

behaviour. I followed the ewe towards the brook; seeing me advance, she ran as fast as she was able, looking behind her several times; when we came to the brook, she peeped over the edge of a hillock, into the water, looked up in my face, and bleated with the most significant voice I ever heard from a quadruped. Judge of my surprise, when, on looking into the stream, I saw her lamb standing close under the hillock, with the water nearly over its back. I instantly drew it out, when the fond mother began to lick, and give it suck, and, looking up to me, uttered several sounds very different from those she had uttered before; and evidently expressing satisfaction and pleasure. I needed not those thanks, for I never performed one action in my life that gave me more unmixed pleasure; nor did ever brute appear more grateful.

Your's, &c.

J. COLLETT.

Evesham, August 16, 1808.

THE LETTER-BOX.

No. 61.

TO THE EDITOR.

Orandum est ut sit mens sana in corpore sano.

JUVENAL.

SWEET morning! (I frequently exclaim, when, rising from my pillow, I behold the welcome return of day,) sweet morning! what ails me, that I gaze on thy charms with puerile indifference—with listless insipidity? Alas! too well I know! too strongly is the melancholy conviction impressed on my soul! Ah what is life without happiness, or where is happiness without health?

"Health!" says Sterne, "O blessed health! thou art above all gold and treasure; 'tis thou who enlargest the soul, and openest all its powers to receive instruction, and to relish virtue. He that has thee has little more to wish for! and he that is so wretched to want thee—wants every thing with thee."

But why should I act the part of a desponding *egotist?* Why torment you with the dark catalogue of *my* calamities, when there are thousands and tens of thousands, whose miseries (if compared with mine) preponderate like a mighty mountain in competition with a molehill. Adieu then to myself—and to my wretchedness, whilst I retrace, with no unpleasing melancholy, the fate of my beloved—my long-lost *Julia!*

Julia! the companion of my earliest youth—the sprightly partaker of my infantine pastimes—my poor Julia became endeared to me as a sister; and when I reflect on those moments of genuine simplicity, I almost doubt the doctrine of original sin; and flatter myself that there *was* a period when even *I* was innocent. Alas! how easily will delusion—and particularly such as springs from *self-love*—steal into the heart, and counteract the efforts of conscience and truth!! But adieu to morality.

At the age of eighteen Julia was taken to London, where, under the protection of a vain and wealthy aunt, her education was to receive the final polish; and a pretty *finale* they made of it! The intoxicating bowl of fashion was held to her lips—she sipped—and then farewell to simplicity and innocence! farewell to every unsophisticated virtue—every amiable fascination—that formed the paradise of our childhood. Neither inclination nor necessity induce me to trace her steps through the maze of fashionable frivolity. Every one that has seen the world and its dissipations, may easily conceive to what extremes the young and careless may be driven by the influence of a bad example.

Julia was naturally of a delicate constitution; it is not, therefore, a matter of the least astonishment, that the incessant bustle and consequent fatigue of visiting—the sudden transition from over-heated rooms to the chill air of midnight—should very soon shatter so delicate a frame, and substitute in her cheeks the lily for the rose. Such was the case with Julia! such the consequence of committing an unwary child to the direction of a vain unprincipled relation!

But here, instead of continuing the narrative systematically, I will introduce a letter I received from Julia during her indisposition.

" 'Tis possible, my first and best of friends, we may never meet again on this side eternity; and lest we should really not, I should consider myself criminal were I to neglect the present opportunity of communicating an extraordinary dream or vision which lately occurred to me, and for the beneficial effects of which I can never be sufficiently grateful to the Great Disposer of Events.

" Methought I was walking in a solitary grove, far from the din of bustle and confusion. The unaccustomed silence immediately conduced to contemplation; the scenes of my past days rushed on my remembrance, and my soul was smitten with the keenest remorse. ' All—*all*,' I exclaimed, ' has been vanity and vexation of spirit. But whither shall I fly for refuge? Is it possible I can resign my chearful companions, and their exhilarating amusements to trace the paths of aus-

tere self-denial, and monkish seclusion? Must I sacrifice the sweets of conviviality at the altar of superstitious fear? Surely 'twould be enthusiasm, rank enthusiasm.' I was about to proceed in my soliloquy, when a celestial being, whose countenance beamed with intelligence and benignity, appeared before me. I started backwards, but 'twas a mere involuntary motion, more the effect of astonishment than terror. 'Fear not,' she addressed me, 'fear not, my poor deluded sister! I am thy guardian spirit. I am that being whom all *pretend* to revere, yet few very few adhere to. In short my name is *Truth*.' She then presented me with a *telescope*, and bade me look through it. I obeyed. 'And what see you?' said she. 'I see,' replied I, 'a beautiful declivity, interspersed with fruits and flowers. It appears a paradise. How exquisite is the plumage of the birds; and what heavenly music thrills through my soul. Ah, bless me! (I continued) and how happy are the inhabitants there! Universal pleasure seems to absorb their faculties. Oh what would I not give to dwell amongst them!' 'Stay!' said Truth, 'and let me explain this mystery. The scenes you so much admire are those in which you have hitherto formed a prominent figure. These are the realms of *fashion*. But, I pray ye, reverse the glass.' I did so, and oh! what a sight of horror burst on my view. A sudden whirlwind arose, and, in an instant, desolation triumphed over all I had seen. The innumerable groups of happy mortals, whose state I had so recently envied, were swept into an unfathomable gulph, whilst ten thousand petrifying shrieks overwhelmed me with horror.

"As I stood, trembling with agitation, my heavenly companion thus addressed me:—'Think me not an enemy in thus unfolding to your view what will inevitably take place. This, *this* will be the fate of the wicked. In a very short time, their festivity will terminate in despair; their cheeks will be steeped in tears; and remorse and anguish harrow up their souls. Remember this! remember the voice of truth, and *improve* by it; otherwise thou *wilt* remember it in *torments*.'

"I was about to proceed, when my dream forsook me, and I awoke in a condition pitiable beyond expression. But the impression it made on my soul will never be obliterated. Oh, a thousand thanks to providence! I *now* see things in a different light; the folly, the madness of a fashionable life strike me with remorse and horror, whilst the inestimable blessings and privileges of holiness and devotion fall on and invigorate my mind, like the balmy dews of Heaven. Alas! my friend, my days are swiftly drawing to a conclusion, but I am, through mercy, wonderfully supported. The gospel unfolds a thousand chearing prospects, to which the mad pleasures of public society are trash unworthy a thought.

"But

"But I must bid you adieu! My languor is excessive, and even the writing this short letter has fatigued me. However I do not altogether despair of seeing you once more, and of snatching one parting glance at those happy scenes where our sportive childhood too swiftly fled.

"Your

"JULIA."

It pleases me to add that poor Julia *did* return to her native village, but the fresh breeze nor the sweets of retirement could afford her relief. I soon followed her lifeless corpse, and shed a tear on the mansion of her long and last repose. She died in a full assurance of eternal happiness, and blessed will be the lot of those who follow her example, and sacrifice the follies of fashion for the inestimable riches of religion.

X.

THE VILLAGE CURATE;

Or, As you Like it.

A TALE.

BY MR. BACON.

(Continued from Page 1031, of our last Volume.)

The good, for virtue's sake, abhor to sin.

CREECH.

AND now, gentle reader, let us banish from our thoughts the giddy Lady Caroline, and attend the steps of Belfont; whom, hereafter, if you please, unless it shall be found necessary to use his real name, we will distinguish by that of Trueman. Having spent a few days at Norwich, in examining those objects most worthy the notice of a traveller, he left that city, and continued his excursion, 'till he found himself, for the first time, on his own estates, in the midst of his tenantry.

Totally unknown to his tenants, and equally so to his steward, he had an opportunity of informing himself of the oppression which the former bore, and the abuse which the latter committed. It was near sun-set when he arrived at a pleasant village, on the borders of the sea, which contained, what is there called, an inn. Here he took up his quarters. Having deposited his bundle in the room where he was to sleep, he repaired to the kitchen; and, seating himself among the rustics assembled

assembled over their evening *gotch of nog*,* joined in their discourse.

The conversation chiefly turned on the transactions of the village; and, among a variety of anecdotes detailed by the inhabitants, the recent misfortunes of their worthy curate most attracted the notice of Trueman. The incident dwelt strongly on his mind; and, fatigued as he was by his day's walk, he determined, before he slept, to make himself acquainted with the narrative of a man whom his parishioners spoke in such high terms of approbation. When the company retired, he invited the landlord to partake of his beverage; who, being a communicative sort of person, and one who had a considerable share of humanity interwoven in his composition, readily complied with Trueman's request, to relate the misfortunes of the worthy pastor.

"I will tell you Sir," said he, "the story of Parson Benley. You must know, Sir, that he is the curate of our parish. The living, which is in the gift of my Lord Belfont, belongs to a clergyman, who lives in the west; and, though it brings him in a good three hundred pounds a year, he gives his curate only forty pounds out of it. So that, you see, the master gets two hundred and sixty pounds for doing nothing, as one may say; while the servant, who does every thing, is obliged to be contented with scarcely a seventh part of that sum; and though the good woman, his wife, brought him a large family, he could never get any increase of salary. This made him determine on taking a farm; which, by the death of one of his neighbours, became vacant. But, I don't know how it was, though he worked as hard as any day labourer in the parish, and his wife was as industrious as a bee, they cou'dn't, as the saying is, bring both ends together; and, to make short of the matter, my lord's steward seized on his stock; which not being sufficient to pay all arrears, the hard-hearted rascal clapt him into the county-gaol."

"And his family," asked Trueman, "what are become of them?"

"His wife and four children," returned the landlord, "three fine boys, from ten to thirteen years old, and a daughter grown up, are in a cottage hard by, that belongs to me. The overseer of the parish, who is a crabbed sort of fellow, and a friend of the steward, was for sending him to the workhouse. But, 'No,' says I, 'hold, neighbour Bruin! while my roof can give them shelter, and I can provide them with a meal to eke out the earnings of their own industry,—' 'And you must know, Sir,' said he, 'I am pretty warm,' 'They shall never endure

* The earthen jugs, out of which the people in Norfolk drink, are called gotches; and their strong beer is known by the name of nog.

endure the wants and hardships of a prison! For what,' says I, ' is your workhouse, but a dungeon; where the poor eat little, and labour hard!'—But, Sir, (continued the landlord) not only I, but the whole village, was against their going there; and the inhabitants all chearfully spare a little towards the family's support; nay, even the labouring cottager, out of his hard earnings, throws in his mite!"

"And what," enquired Trueman, "is the amount of the sum for which the unfortunate man is now confined?"

"The whole debt," replied the landlord, "I am told, is about three hundred pounds; a sum by much too large for the inhabitants of our parish to raise without injuring themselves; or, depend upon it, he would soon be snatched from the hard gripe of the law."

Every particular which related to this worthy man, Trueman enquired with an earnestness that displayed the philanthropic sentiments of his mind; and intimated not merely a wish, but a fixed determination, to rescue the indigent sufferer from the horrors of a prison, and restore him to his disconsolate family.

Impressed with this generous sentiment, he retired to bed, meditating on the means by which he might effect his laudable designs, so as to give the least offence possible to the delicacy of suffering virtue, and conceal the hand that loosed the chains of bondage, and gave once more to the drooping captive the possession of liberty.

After proposing to himself many plans, he at length determined to walk the next day to a post-town about three miles off, and inclose notes to the amount of Mr. Benley's debt, in a letter to that gentleman. This appeared to him the best method he could devise, as it would leave no traces that might lead to a discovery from whom the merited bounty came. Thus resolved, he yielded to the soft embraces of sleep; and, in the morning, rose to execute his benevolent purpose.

In his return, he saw, at a short distance before him, a female and a little boy. The youth carried a basket, which seemed too heavy for his feeble strength to support. The female had, in each hand, an earthen jug; and, having outwalked her companion, had seated herself on a stile to wait his coming up. Trueman accosted the youth, and offered to assist him in carrying his load; a proposal which the youngster readily accepted, telling him, at the same time, that he had been to a neighbouring farmer for cheese and butter; and that his sister, then waiting for him at the stile, had got two jugs of milk for his brothers' breakfasts, who were at home with his mother.

"And what is your name, my little fellow?" said Trueman.

" Benley, Sir," aeswered he, " and we live in yonder cottage," pointing to a small house across the meadow.

Trueman, who longed for an introduction to the disconsolate family of the indigent, but worthy curate, was highly gratified with this piece of intelligence.

" Charlotte," said the youth, as they drew near the female, " here is a gentleman has kindly carried my basket for me; and, as you complain the jugs are too heavy for you, I dare say, he will help you too."

" That I will, most readily; and esteem myself obliged in having permission so to do," said Trueman, placing the basket on the ground, and bowing to Miss Benley.

" You are very kind, Sir," said Charlotte; " but I am ashamed that Henry should have given you so much trouble; he is an idle boy, or he would not have thus intruded on your politeness."

" Call it not intrusion," returned Trueman; " the young gentleman asked not my assistance, and my service is voluntary."

The blushing Charlotte accepted, with reluctance, the assistance of the gallant stranger; and permitted him to attend her to her humble dwelling. Trueman, a stranger to the undisguised charms of nature, viewed, with a joy bordering on rapture, the personal acomplishments of his fair companion. " And oh!" said he to himself, " should she wear a mind pure and unstained as is her lovely form, she were a treasure worth the proudest monarch's love!"

The lovely maid, unconscious of her power to captivate, received with unconcern the compliments which Trueman paid to her beauty; and, impressed by his gallantry, answered with polite indifference every question of the enamoured youth. In fact, the recent misfortunes that had befallen her family, and the gloomy prospect which fear's deluded eye traced in the bosom of futurity, had robbed Miss Benley of a considerable share of that vivacity, which, in her happier days, she was wont to possess, and rendered her almost totally indifferent to the converse of her friends, and altogether impatient of society. To this may be attributed the small attention Trueman received to his animated address. With her eyes fixed on the ground, she saw not the man with whom she conversed. Those features, which beauty claimed her own, that form, where grace with elegance was allied, met not the view of the sorrowing Charlotte; and before he could impress his lovely auditor with a favourable thought, the painful moment arrived when he was to bid her adieu, or suffer the restraint which the presence of her family would lay him under.

Harry Benley, the youth to whom Trueman had offered his assistance, eased of his burthen, had reached home some time

before the arrival of his sister. Having informed his mother of the stranger's civility, the good woman walked to the wicket-gate, that formed an entrance to the garden, to welcome her daughter's return; and, thanking Trueman for his politeness, invited him to partake of their morning's refreshment, which he readily accepted.

"I am sorry," said the venerable matron, "that my means, and my inclination to make you welcome, are not in unison with each other; but that which I have to give, I give freely. There was a time," added she, with a sigh, and stopping to wipe away the tear which reflection urged—

"I have heard of your misfortunes, Madam," interrupted Trueman;" and I sincerely sympathize in your sufferings. But do not," continued he, "yield to despair. The hand which inflicts distress, can also bestow happiness; and, though the pitiless storm of stern adversity to-day bears hard and heavy on our defenceless roof, to-morrow prosperity's cheering sun may raise our sinking hopes, and repair the ravages of the ruthless blast."

Here the discourse was interrupted by the arrival of breakfast, which Charlotte had prepared. Mrs. Benley, however, could not help noticing the remark and the language of her guest, which she seemed not to expect from a person in the habit of a peasant. Trueman found that he had excited surprise; and, as soon as their repast was over, in a few words, gave a feigned story of his life; concluding with his intention to reside a few months in the village, and requesting permission to visit them.

Mrs. Benley assured him, that the society of a man possessing such sentiments as he had expressed, would always be to her acceptable; and, with a promise to renew his visit on the morrow, he took his leave. Mrs. Benley, and her lovely daughter, in the mean time, could not avoid making their observations on the strangeness of the visit, and the visitor, while he congratulated himself on the completion of his wish for an introduction to the amiable family.

(To be continued.)

Origin of the Title "MY LORD," *to a Deformed Man.*

AMONG several accounts of this custom, the following appears the most rational. In the first year of the reign of King Richard the Third, commonly known by the name of Crooked-Back, six persons, unhappily deformed in that part of their bodies, were made lords, as a reward for some services which they had formerly done the king; the novelty whereof

occasioned the whole nation to make merry with those sort of people, by advising them to go to court, and receive an honour which nature seemed to have designed them for. It is from this, we presume, the mock title of " My Lord," has been ever since peculiar to those persons.

INTERESTING TRIALS.

COURT of CHANCERY,

LINCOLN'S-INN, December 20.

A PRIZE in the LOTTERY.

SWIFT *v.* HORNSBY.

SIR Samuel Romilly moved that the defendant might be ordered to pay into court the sum of 615l. 12s. 6d. being the sixteenth share of a lottery ticket, that was entitled to a prize of £10,000 in the English lottery of the year 1803. He stated that the plaintiff had been a livery-servant in the service of James Taylor, esq. of Southampton; the defendant kept a lottery-office in this city, and had an agent of the name of Skelton, for the purpose of disposing of tickets in Southampton. In the year 1803, the plaintiff purchased a sixteenth from Skelton, about a week before the drawing commenced; in two days afterwards it was stolen from him, and one of his fellow-servants was suspected of the theft. The plaintiff went to Mr. Skelton, and informed him of his loss, and that he was not certain what the number was, but it was either No. 26,280, or 26,880. Mr. Skelton informed him, that he was the defendant's agent, and the best thing he could do was to write to him on the subject, and Skelton took a memorandum in his book, (" Lost, sixteenth, either 26,280, or 26,880; Taylor, esq.") Accordingly, on the 25th of April, 1803, the plaintiff wrote to the defendant, stating he had purchased a sixteenth of a ticket, No. 26,880, from Mr. Skelton, which he had lost, and requesting that the defendant would assist him in recovering it, as it made him and the person suspected extremely uneasy. The defendant sent an answer, dated the 27th, that No. 26,880 was not one of his shares. On the 28th of April, No. 26,280 was drawn a prize of £10,000 On the same day, the defendant wrote to inform Skelton, that he had the pleasure of informing him that he (Skelton) had sold a sixteenth of that prize. Skelton answered that letter, stating he had sold it to the plaintiff, a livery servant of Mr. Taylor, but who had unfortunately lost it. Mr. Skelton, instigated by humanity, did not inform the plaintiff, but waited

on

on his master, Mr. Taylor, and acquainted him with the circumstances, who directed his butler, a person of the name of Brundrett, to write to the defendant to the following purport, dated May 1:

"Christopher Swift bought the sixteenth of a lottery ticket from Mr. Skelton, which he has lost, but the number of which he believes is 26,280, the late fortunate ticket. From the known respectability of your house, I have no doubt but you will facilitate the recovery of it, and if tendered, you will have it stopped, and give notice to your's, &c.

"ROBERT BRUNDRETT."

On the 3d of May the defendant sent the following answer—That a share of a lottery ticket being negociable and payable like a bank note, it was very hard to retrace it, but he would do what was in his power. In the year 1805 the plaintiff filed a bill of discovery, and in June, 1808, filed a further bill, praying relief. The defendant in his first answer says, he believed that on the 15th of May, 1803, the share that was sold at Southampton was paid at the office in London, by one of his clerks, who did not, as he believed, make any inquiry, and that it was directly destroyed, as was customary in lottery transactions; he admitted that one sixteenth never had been paid or demanded, but he believed it was not the one sold at Southampton; there were private numbers put upon shares, and entered in his book; that the share sent to Southampton, had a private mark of the number 850, and that paid had the same number. In his subsequent answer, he denies that he ought to have given the plaintiff any notice of its being tendered, as he had no power to refuse the payment, and particularly so, as the number was not sworn to by the plaintiff. He admitted that he did not give any directions to his clerk to stop or make any inquiry; and he also admitted that he was unable to swear positively that the sixteenth which has not been tendered, and remains unpaid, was not the one purchased by the plaintiff. Under these circumstances, Sir Samuel Romilly trusted his lordship would order the money to be paid into court. It could be no hardship on the defendant; for even if the plaintiff failed in making out his case, the defendant was only the trustee of some one, for the money did not belong to him. Mr. Taylor, the master of the plaintiff, had offered to indemnify him three-fold; and he held an affidavit of the plaintiff in his hand, in which he swore the share he purchased from Skelton, was a sixteenth of the ticket, number 26,280, because he had found a memorandum made in his own writing, during the time he had the ticket in his possession.

Mr. Hart and Mr. Wilson, counsel for the defendant, contended that there was no cause shewn why the money should

be paid into court. It could answer no purpose to the plaintiff, except he thought it might induce the defendant to enter into a compromise. At the first moment the plaintiff might have brought an action at law. Why did he wait three years, after he was apprised of the number being drawn, before he brought his bill of recovery, and then not stir again for two years more? It must have been because he knew his case was bad. The court in no instance would order money to be paid into court to tie up the hands of a defendant, and induce him to enter into a compromise. It was not pretended to be said, that the money was not as safe in the hands of the defendant as in those of the accountant-general. The plaintiff never could get relief by his bill in that court, for the minute the ticket was drawn, the amount of the prize became money, had and received, and, as such, it was only recoverable in a court of common law. If the court refused this motion, he might bring his action to-morrow. It was the first time they had ever heard of money being asked to be paid into court, because the defendant must be a trustee to some person. Under every circumstance, they felt confident his lordship would refuse the motion.

Sir Samuel Romilly replied in a speech replete with argument.

The lord chancellor observed that he considered the case as perfectly cognizable by a court of equity; even in a court of law cognizance might be taken of it; for so far back as the reign of William the Third, negociable securities came under the jurisdiction of courts of law; and if it were proved that Skelton never had a share of the ticket, number 26,880, and had that of 26,280, with the circumstance of the defendant having destroyed all evidence, by the destruction of the share which he paid on the 15th of May, he did not believe there was a jury in the world that would not give a verdict for the plaintiff. If this was the case in a court of law, what could prevent a court of equity from having jurisdiction, when it was never disputed that they had? But, according to the rules of the court, whatever might be its opinion on the hearing, and in giving a decree, yet when the defendant did not admit sufficient in his answer to warrant the order for the payment of the money into court, the court could not comply with the application, whatever it might do on the hearing of the cause.

The motion was of course dismissed.

COMMON PLEAS, December 20.

Before Sir J. Mansfield, and a Special Jury.

PEKKET *v.* TRIMBEY.

THIS was an action of trover respecting a considerable quantity of hops, which, though it lasted from ten in the morning

ing 'till five in the evening, may be substantially stated in a short compass.

Hepleton, a bankrupt, had, previous to his insolvency, employed one Coombe, a money raiser, to whom he was led by an advertisement, under the name of Humphries, to procure money for him by discounting bills. For this purpose Coombe resorted to a linen-draper, of the name of Barber; to Messrs. Fournier, Gore, and Company, Cheapside; and to Pekket the plaintiff, a warehouseman. Bills were discounted by them to the amount of more than a thousand pounds, and in the three transactions, goods were furnished by the discounters, in part, instead of money, which goods Coombe disposed of as he best could. As a collateral security for the money thus raised on Hepleton's bills, hops, to a large amount, were consigned by Hepleton to Coombe, and by Coombe to the discounters. These hops were lodged in the warehouse of the plaintiff Pekket, who, as already stated, was himself one of the discounters. When Hepleton became bankrupt, his assignees contrived to get possession of the hops, and sold them. On this account Pekket brought his action against the assignees, as having a lien on the goods, in his character of warehouseman, and as being part proprietor, besides being answerable to the other discounters.

The defence was, that the bills were given on account of an usurious transaction, and that some of them had been drawn within two months of Hepleton's act of bankruptcy, the period within which Sir Samuel Romilly's act confines the non-effectiveness of transactions with bankrupts.

The judge, from the evidence of Coombe himself, was disposed to think that his transactions with the bankrupt were usurious, but although there was something aukward in the mode of dealing of the discounters, he thought it too much to say, that they had been guilty of usury, and there the defence failed. It appeared too, that all the collateral securities had been given previous to the two months before the act of bankruptcy, and there also, therefore, the defence failed. Verdict for the plaintiff—Damages £1030.

COMMON PLEAS, December 21.

Before Sir J. Mansfield, and a Special Jury.

U S U R Y.

LEE *v.* CASS.

THIS was an action by the assignees of a bankrupt of the name of Easton, to recover penalties under the statute of usury.

usury. The circumstances were these. Easton, the bankrupt, being in want of ready money, went on three several occasions to Cass with bills drawn at six and three months, with a request that the defendant would discount them, and give cash or bills at a shorter date. Cass at first sent him to one Barkley, but the transaction with this man could not be admitted in evidence. The result, however, was, that he returned to Cass, who agreed to discount a bill drawn at six months, at 5 per cent. per annum discount, and 3½ per cent. as guarantee for the acceptor. Upon this principle he discounted two others, with only a little variation in the rate of the guarantee. The bankrupt said he had no doubt of the bills being paid when due, but that he accepted of the guarantee in order to get them discounted.

Mr. Serjeant Best for the plaintiffs contended, that was beyond all question within the statute, that this sort of guarantee was altogether unusual with respect to bills, that these bills were accepted, the first for upwards of 900l. by Hyman, Cohen, and Co. the second for about 400l. by Moses da Costa and Co. the third for upwards of 100l. by another house of high reputation, and that no one would have thought of seriously insuring in this manner, against a loss from such houses, which were known to be among the most respectable in the city. The guarantee he held to be a mere cover for the usury, and if the statute could be defeated by such expedients, it might as well be blotted from the book.

Mr. Serjeant Cockell defended chiefly on the ground, that though the solvency of the acceptors of the bills was unquestionable at the time, yet there was undoubtedly some risk, especially in these critical times, and for taking upon himself that risk the defendant had a right to be paid. The defendant at least conceived so. There was no intentional violation of the law on his part, and he trusted, therefore, that the jury would find a verdict for him upon the general issue. There was a particular objection, however, with respect to the second bill. The record stated the money for this bill to be paid on the 8th of November, 1807, whereas the bankrupt, in his evidence, was uncertain whether it was on the 8th or the 7th.

Chief J. Mansfield, in summing up the case, stated, that the whole resolved itself into a question of usage. The jury would consider whether it was customary to guarantee bills in this manner, and find accordingly.

The jury retired, and after the lapse of an hour and a half, returned, finding a verdict for the plaintiff on the first and third bills, making the penalties in all about 3000l.]

ANECDOTES

ANECDOTES *of* THOMAS COXETER.

THOMAS COXETER was born of an ancient and respectable family at Lechlade, in Gloucestershire, in 1689, and educated at Trinity College, Oxford, where he wore a civilian's gown; and about 1710, abandoning the civil and every other profession, came to London. Here continuing without any settled purpose, he became acquainted with booksellers and authors, and amassed materials for a biography of our poets. He had a curious collection of old plays, and was the first who formed a scheme adopted by Dodsley, of publishing a collection of them. In 1744 he circulated proposals for printing a new edition of the plays of May, with notes and a life; and took that opportunity to complain of Dodsley's invasion of his plan, and of the new edition, which he calls a spurious one, of Sackville's Gorboduc, by Spence, 1736, on which account he intended to add a pure correct edition of that play, with Sackville's other poetical works, and a glossary. In 1747 he was appointed secretary to a society for the encouragement of an essay towards a complete English history, under the auspices of which appeared the first volume of Carte's History of England. He died of a fever on Easterday, the 19th of April, 1747, aged 59. Warton calls him a faithful and industrious collector in old English literature.

Boswell says, "Johnson told me, that a Mr. Coxeter, whom he knew, had collected, I think, about five hundred volumes of poets, whose works were most known; but that upon his death, Thomas Osborne bought them, and they were dispersed, which he thought a pity, as it was curious to see any series complete; and in every volume of poems something good may be found." Boswell's Life, vol. II. p. 542.

JOSEPH's SQUARE, *in* VIENNA.

IF Joseph's square were not deficient in regularity, it would be the finest in Vienna; but the street that crosses it, intersects it obliquely from east to west, and the east side is about thirty feet shorter than the west, a disproportion which it is now impossible to remedy.

I figure in my imagination the statue of Joseph II. as already erected in this square. I approach it, and pay the willing tribute of grateful veneration to the monarch who performed so many good and great things for his people. At the same time I forget not the artist, whose natural genius alone enabled him to create so sublime a monument. As formerly the celebrated Duval, while tending his sheep, became an astronomer and natural philosopher, so Zauner, while tending

his father's goats on a solitary mountain of Tyrol, became, from internal impulse, a statuary. With a wretched pocket-knife he carved the first wooden doll. From this doll, to the marble monument of Leopold II. and now to the colossal statue in bronze of Joseph II. what an immense space has been traversed by this enterprising child of art!

Those who are acquainted with the history of similar monuments in France, England, Russia, and other countries; who know that the united study and the united labour of many men have there co-operated in the production of such a performance; must certainly be astonished that, in this instance, a single artist, who had previously worked almost entirely in marble, should alone have designed and executed every part, from the first sketch on a sheet of paper, to the casting of the metallic Colossus, and its erection in the public square. This artist is Joseph Zauner, professor of sculpture at the academy of arts in Vienna, and a native of Tyrol.

REFLECTION.

THE benefits of a conduct truly religious are never more completely felt than in the midst of affliction or in the period of sickness. It is then, that the Christian experiences the only consolation that can alleviate his sorrows.

CHRISTMAS WEEK.

NOTWITHSTANDING the hitherto acknowledged superiority of the French nation in the article of *politeness*, it is allowed that the English are not much behind them; but while this allowance is made, we are at the same time told that it belongs only to the *upper* and *well educated* classes of society, and that the *lower*, the *plebeians*, the *domestics*, and the people, "whom nobody knows," are made rebellious and unaccommodating.

It is difficult to characterise a whole nation. Whoever looks around him during the Christmas season, will have some reason to doubt whether the *upper* or the *under* ranks are most *civil?* Certain it is, that all the outward signs and symptoms of civility and submission are now wonderfully apparent. Never surely was precept better kept than—"Servants, obey your masters in all things,"—*for eight or ten days*. Those who do not feel it their duty, *act* the part like Rosciuses in *livery*, and Siddonses in *cotton-gowns*.

During this happy and good-humoured season, even the very *churches* exhibit a politeness, which nothing but Christ-

mas could inspire. No persons are allowed to fatigue themselves by standing in the aisles, while the pew-openers increase the solemnity of the service by appearing in the humblest attitudes of supplication, and the delicate *extension* of *hand*, shows that next Sunday ought to be called *Palm*-Sunday.

But the full effect of the season is, perhaps, most visible at home—no occasion to ring the bell above once, and no disputes are heard as to *whose business* it is to answer it! The distance betwixt kitchen and parlour appears to be shortened, and no one *supposes* what is wanted, before they go to enquire.

Early rising, considering how cold and dark the mornings are, is practised with wonderful alacrity and cheerfulness—a cheerfulness which is imparted to the very fire, which blazes most comfortably as soon as it is wanted.

The breakfast is got ready *altogether*. There is no waiting for our toast when our tea is ready, and no deficiency of water when our pot is exhausted. If a friend or two drop in, it is not thought *too much* to go for a supplemental roll, prepare some coffee, or boil an egg.

Not a saucy word in reply to a command, nor a *humph*, nor a *hum*, to be heard. No *half-oaths* are crumbled between the teeth, and none ready to be *swallowed whole*.

Dinner *served up* to a *minute*, and *done* to a *tittle*. Nothing is forgot—none of that lamentable want of memory complained of at other times, and the usual plea, "I did not think of it," is discontinued.

Cobwebs of three or four months standing are carefully removed, and our *grates* begin to look as bright as mirrors. Scowering, cleaning, washing, scrubbing, and dusting—all performed by *anticipation*. Every thing done *before* it is ordered, instead of a month or six weeks *after*.

No delay in errands—graceful bows at the door, which is opened and shut, as if it could not express any passion:

Watchmen *twirl* the *window pins* with most anxious care, and can't bear the sight of a suspicious person; besides being perfectly awake every hour and half hour.

Scavengers so attentive to their duty, that a full dressed lady may have as clean a tumble in the streets as on her own carpet; and the lamp-lighter so indifferent to the *price* of *oil* that the streets exhibit a *dazzling brightness*.

In a word, such an universal politeenss and civility prevails among the unprivileged orders, that it would appear they had studied the system of Chesterfield, and practised in the school of Vestris.

About a week after the holidays, indeed, it must be confessed there is ***** *(hiatus vald deflendus.*

Answer, by Radius, of Nost Revelstoke School, to C. Crews's Rebus, inserted October 31.

BRITTANNIA triumphs! swell the string,
And MAIDA's glories loudly sing!

† Similar answers have been received from S. Duck, P. G. and Frederic Arden, of South Petherton; W. D. Champion, and H. B. of Bridgewater; J. Saunders, and J. Treadwin, of Exeter; a youth; Hester Easter, of Poole; and J. Melhuish, of Honiton.

Answer, by J. Ball, at Evershot School, to S. D.'s Anagram, inserted the 31st of October.

HERON, dear Sirs, transpose aright,
The river RHONE 'twill bring to sight.

†§† A similar answer has been received from H. B. and W. D. Champion, of Bridgewater; J. Colley, of St. German's; W. Kent, near Camelford; H. Easter, of Poole; F. Arden, S. Duck, and P. G. of South Petherton; a youth; J. Melhuish, of Honiton; and J. Patten, and J. French, at Evershot school.

Answer, by J. Saunders, of Exeter, to T. Mark's Charade, inserted October 31

BEFORE a FORTNIGHT half expir'd,
I found the answer you requir'd.

☞ Similar answers have been received from Hester Easter, of Poole; J. Melhuish, of Honiton; W. Kent, near Camelford; H. B. and W. D. Champion, of Bridgewater; and J. Colley, of St. German's.

A REBUS, *by a Youth.*

TWO-THIRDS of to pursue explain;
My next is of the insect train:
These parts reveal, and right combine,
And then a dance you will define.

A CHARADE, *by J. French, at Evershot School.*

AN insect will my first display;
My second is to run away:
Both parts, when join'd in order true,
A beast will surely come in view.

An ENIGMA, *by T. H. of Helston.*

YE gents. I'm neither square nor round,
In size and colour diff'rent found!
Am sometimes great and sometimes small,
And often injur'd by a fall.
In vesture white commonly seen,
Tho' often ting'd with red or green.
My countenance is mostly sallow sallow,
As is my body white and yellow:
So, gents. if you can tell my name,
Let my contents then be your claim.

POETRY.

For the WEEKLY ENTERTAINER.

A SHIPWRECK.

LO! darksome clouds o'er spread the azure skies,
And blust'rous with threatning aspect rise;
Old ocean rages with tempestuous roar,
And rolling billows lash the rocky shore;
Thick hail comes rattling down in heavy show'rs,
And rain, in overwhelming torrents, pours;
The lightnings dart their gleamy glances round;
While awful thunders roll, and shake the vast profound.

Now view the seaman, on the boist'rous main,
Striving to guide his ship, alas in vain!
For angry surges, rising from the deep,
Like Alpine mountains on each other heap;
Whilst Boreas, raging with tumultuous ire,
And bellowing fury, drives the waves still higher:

Now, hurried onward by th' infuriate blast,
The ship is on the topmost billows cast;
Precipitated from the wat'ry steep,
She sinks again into the yawning deep;
The sails and rigging are to pieces blown,
The masts break next, and overboard are thrown;
The rudder's wash'd away, and then the hull
Drifts on th' impetuous tide without controul;

Now towards the shore she drives with rapid force,
The crew alarm'd, can't check her headlong course;
Against the rocks she doth with fury dash,
Then goes to pieces with a dreadful crash:
When lo! a scene of woe presents to sight!
Dismay, distraction, horror, and affright,
Fill ev'ry soul, whilst mad confusion reigns,
And furious billows tear the ship's remains.

The frantic crew, t' evade a wat'ry grave,
Try various methods now their lives to save;
The greatest part are huddled in the boat,
Which for a moment on the surface floats,
Then comes a raging sea, which in its fall
Whelms in destruction, seamen, boat, and all.
Some cling to planks, some spars, and others oars,
And thus attempt to reach the distant shores;
But they are by the swallowing surges hurl'd
Into the vast abyss, and quickly leave this world.
Whilst some, less vent'rous, to the wreck adhere,
A prey to wild despair and pallid fear;
Nor are they suffer'd with impunity,
To brave the vengeance of the troubled sea,
But toss'd about, 'till, with tremendous shock,
The wreck to pieces splits against some pointed rock,
Where sits insatiate death, in dread array,
And marks the trembling victims for his prey;

Whilst

Whilst liquid mountains meet from either side,
Entombing all deep in the roaring tide.

Bridgewater, December 2, 1808. W. D. CHAMPION.

For the WEEKLY ENTERTAINER.

On the Death of an amiable but unfortunate Female, who lately died for Love.

STRANGER! if by worldly views
Thy heart is dead to love's controul;
If feeling never nurs'd with dews
The rose of passion in thy soul;
Turn from this grave thy sullen tread,
For this is pity's holiest shrine;
The flowers that surround the dead
Would shrink from such a hand as thine.

But if thy heart, with ardour warm,
Beats to the thrilling glance of beauty;
If thou hast knelt to woman's charm
With all of love's enraptur'd duty;
Then, stranger! pause, and linger here,
(For love and pity seldom sever)
And pour the sighs to passion dear,
Where Alice sleeps, alas! for ever.

Poor maid! within thy gentle breast,
Affection bloom'd, Oh how sincerely!
Ah! why did fate, with frown unblest,
Break a fond heart that lov'd so dearly?
Stranger! if love awakes your sighs,
(And love and pity seldom sever)
Pause, where that Alice cold now lies—
And sleeps, poor maid, alas! for ever.

South Petherton, December 6, 1808.

TO THE MOON.

SISTER of Phœbus, gentle queen,
Of aspect mild, and ray serene;
Whose friendly beams by night appear,
The lonely traveller to cheer!
Attractive power! whose mighty sway,
The ocean's swelling waves obey;
And mounting upwards, seems to raise,
A liquid altar to thy praise!

Thee, wither'd hags, at midnight hour,
Invoke to their infernal bow'r;
But I, to no such horrid rite,
Sweet queen! invoke thy sacred light;
Nor seek, while all but lovers sleep,
To rob the miser's treasur'd heap.
Thy friendly beams, alone, impart,
To find the youth, who stole my heart;
Or guide me, from thy silver throne,
To steal his heart—or find my own!

POLLY PEASEBLOSSOM.